

City Attorney





Mission Statement

To safeguard the public by vigorously bringing misdemeanor criminals to justice through serving the residents of San Diego as both its misdemeanor prosecutor and its chief legal advisor along with the Police and Fire-Rescue departments and to serve as advisor by providing legal guidance to the Mayor, City Council, Council Committees, and City Departments.

Department Description

In 1931, San Diego voters adopted a new City Charter that included the creation of an independently elected City Attorney. The duty of the Office of the City Attorney is to protect the interests of all San Diegans.

The Office is divided into three divisions: Civil, Criminal, and Administrative. The primary operations of the Office are established in the San Diego City Charter and are carried out by Criminal and Civil Divisions.

The Criminal Division prosecutes misdemeanor criminal offenders and provides proactive community-based public safety programs. Crimes prosecuted by the Office include violations of City, County, and State laws occurring within the City of San Diego and the City of Poway.

The Civil Division provides legal advice to every level of City government, files lawsuits on behalf of the City, and defends lawsuits brought against the City.

The Office of the City Attorney is staffed with professional, civic-minded public servants. Attorneys, investigators, secretaries, legal assistants, and support staff work in to serve the people of the City of San Diego and the State of California.

The Office of the City Attorney has been recognized at the local, State, and national levels for innovation, excellence, and measurable results related to efficiency, effectiveness, and public safety.

City Attorney

Service Efforts and Accomplishments

Criminal Division:

The Consumer Fraud Unit has secured \$1 million in civil enforcement penalties and \$194,000 in victim restitution. The Code Enforcement Unit has recovered nearly \$300,000 in investigative costs, fines, and penalties. The Division has also been awarded nearly \$250,000 in grants. A total of 40,111 Misdemeanor cases were reviewed that include 6,967 cases of suspended, revoked, or unlicensed drivers processed, 5,710 cases of driving under the influence processed, 3,500 domestic violence cases reviewed, and 143 child abuse cases processed. The Consumer Environmental and Protection Unit reviewed over 450 consumer complaints.

The Neighborhood Prosecution Unit attorneys now work in 25 neighborhoods with the addition of the Southeastern part of the City and San Ysidro in 2006. Prosecutors work with the Police Department, other agencies, and community members to combat quality of life crimes.

The San Diego Traffic Offender Program, (STOP), in partnership with the Police Department, seized 209 vehicles from repeat traffic offenders.

The Code Enforcement Unit prosecuted landlords and business owners for substandard housing violations, including lead hazards. The Unit recovered more than \$42,000 in relocation costs to assist tenants in moving to safe, decent housing, and donated \$9,000 to non-profit groups from creative sentencing terms imposed against defendants.

The DART Unit (Drug Abatement Response Team) filed a major abatement case against the West Coast Crip Street Gang for criminal gang activity and Fam Mart for public nuisance activity dealing with illegal sales of counterfeit merchandise.

Civil Division

In response to an appeal by the Office of the City Attorney, the California Fourth District Court of Appeal issued an unanimous decision to uphold the will of voters to donate the Mount Soledad War Memorial to the federal government by reversing a lower court's ruling. The appeal was filed in response to 76 percent of voters who supported Proposition A in July 2005. The Division has obtained \$7.5 million in settlements, judgments, and other recoveries by the Civil Division Plaintiffs' Litigation and Recovery process.

An appeal by the Office of the City Attorney resulted in a major victory for San Diego taxpayers when the California Supreme Court upheld a lower court's ruling overturning the majority of developer Roque de la Fuente's \$94.5 million verdict against the City of San Diego.

After a two year investigation by the U.S. Securities and Exchange Commission (SEC) into the City of San Diego's fraudulent municipal bond offerings, the Office of the City Attorney negotiated a settlement agreement with the SEC. The settlement did not impose fines on the City but required that an independent consultant be hired to monitor compliance.

The Public Finance, Securities and Disclosure Unit provided structuring and legal advice to various City departments relative to the issuance by the City and its related entities of approximately \$660 million of debt obligations.

The Trial Unit handled approximately 300 civil lawsuits filed against the City in 2006. Most of those cases were or will be resolved either without any monetary payment by the City, or by the payment of a nominal sum.

The Civil Advisory Division attorneys drafted more than 100 pieces of new legislation, provided legal review on more than 900 individual matters requiring City Council action, and provided legal support on thousands of other matters.

Department Summary

City Attorney				
	FY 2006 BUDGET	FY 2007 BUDGET	FY 2008 PROPOSED	FY 2007-2008 CHANGE
Positions	326.11	335.22	335.22	0.00
Personnel Expense	\$ 32,786,325	\$ 34,820,413	\$ 34,714,558	\$ (105,855)
Non-Personnel Expense	\$ 1,395,820	\$ 1,384,745	\$ 1,586,994	\$ 202,249
TOTAL	\$ 34,182,145	\$ 36,205,158	\$ 36,301,552	\$ 96,394

Department Staffing

	FY 2006 BUDGET	FY 2007 BUDGET	FY 2008 PROPOSED
GENERAL FUND			
City Attorney			
Case Inquiry	6.00	6.00	6.00
Case Origination	41.25	41.25	41.75
Case Resolution	46.00	46.00	46.00
Code Enforcement	15.72	16.09	16.29
Consumer & Environ Protection	13.88	13.88	13.98
Dom Violence & Child Abuse	22.10	23.10	23.20
Environmental	0.00	0.00	5.33
Information Systems	6.00	5.00	4.00
Labor & Employment Svcs	0.00	0.00	4.00
Leadership	2.00	2.00	2.00
Neighborhood Prosecution	5.00	5.00	5.00
Public Policy	6.40	7.54	11.15
Public Works	45.63	46.03	35.81
Real Property	24.12	23.52	18.15
Redevelopment	19.23	19.63	11.03
Resource Consv Mgmt	0.00	0.00	4.00
Support Services	18.90	29.90	33.75
Trial Unit	53.88	50.28	53.78
Total	326.11	335.22	335.22

City Attorney

Department Expenditures

	FY 2006 BUDGET	FY 2007 BUDGET	FY 2008 PROPOSED
GENERAL FUND			
City Attorney			
Case Inquiry	\$ 341,666	\$ 343,565	\$ 359,494
Case Origination	\$ 2,792,820	\$ 3,426,870	\$ 3,527,258
Case Resolution	\$ 4,681,775	\$ 4,767,716	\$ 4,506,212
City Attorney	\$ -	\$ (1,135,397)	\$ (30,530)
Code Enforcement	\$ 1,738,217	\$ 1,860,318	\$ 1,797,139
Consumer & Environ Protection	\$ 1,451,574	\$ 1,559,662	\$ 1,540,050
Dom Violence & Child Abuse	\$ 2,058,437	\$ 2,301,499	\$ 2,226,776
Environmental	\$ -	\$ -	\$ 705,473
Information Systems	\$ 1,221,166	\$ 1,198,357	\$ 528,898
Labor & Employment Svcs	\$ -	\$ -	\$ 529,434
Leadership	\$ 525,750	\$ 490,526	\$ 467,221
Neighborhood Prosecution	\$ 705,556	\$ 722,421	\$ 633,534
Public Policy	\$ 880,415	\$ 1,175,532	\$ 1,511,504
Public Works	\$ 4,813,302	\$ 5,145,842	\$ 3,742,249
Real Property	\$ 2,577,325	\$ 2,806,307	\$ 1,988,349
Redevelopment	\$ 2,068,638	\$ 2,408,110	\$ 1,204,060
Resource Consv Mgmt	\$ -	\$ -	\$ 529,437
Support Services	\$ 2,121,540	\$ 3,032,856	\$ 4,269,854
Trial Unit	\$ 6,203,964	\$ 6,100,974	\$ 6,265,140
Total	\$ 34,182,145	\$ 36,205,158	\$ 36,301,552

Significant Budget Adjustments

GENERAL FUND

City Attorney	Positions	Cost	Revenue
Salary and Benefit Adjustments	0.00	\$ 73,847	\$ 0

Adjustments to reflect the annualization of the Fiscal Year 2007 negotiated salary compensation schedule, changes to average salaries, retirement contributions, retiree health contributions, and other benefit compensation.

Significant Budget Adjustments

GENERAL FUND

City Attorney	Positions	Cost	Revenue
Support for Supplies and Services To provide funding for legal processing fees, transcript services, attorney bar dues, litigation costs, investigation transportation allowances, and legal resources in the Office of the City Attorney's Library. The library collection serves as a complete legal authority for the Deputy City Attorneys.	0.00 \$	831,002 \$	0
Increase to Retiree Health Care-Other Post-Employment Benefits (OPEB) Addition of funds to be applied towards the total liability for retiree health care.	0.00 \$	651,536 \$	0
Revised Revenue Adjustment to Fiscal Year 2007 revenue to reflect Fiscal Year 2008 revenue projections.	0.00 \$	0 \$	(1,851,288)
Non-Discretionary Adjustments to reflect expenses that are determined outside of the Department's direct control. Examples of these adjustments include utilities, insurance, and rent.	0.00 \$	(45,671) \$	0
Support for Information Technology Funding is allocated according to a zero-based annual review of information technology funding requirements and priority analyses.	0.00 \$	(583,082) \$	0
Vacancy Savings Adjustments in personnel expense from positions that are projected to be vacant for a period of time in Fiscal Year 2008 due to personnel transition and salary differentials for new employees.	0.00 \$	(831,238) \$	0

Expenditures by Category

	FY 2006 BUDGET	FY 2007 BUDGET	FY 2008 PROPOSED
PERSONNEL			
Salaries & Wages	\$ 22,226,851	\$ 23,637,172	\$ 22,592,279
Fringe Benefits	\$ 10,559,474	\$ 11,183,241	\$ 12,122,279
SUBTOTAL PERSONNEL	\$ 32,786,325	\$ 34,820,413	\$ 34,714,558
NON-PERSONNEL			
Supplies & Services	\$ 534,652	\$ 531,808	\$ 1,363,544
Information Technology	\$ 605,261	\$ 588,161	\$ 107,217
Energy/Utilities	\$ 173,989	\$ 182,858	\$ 34,315

City Attorney

Expenditures by Category

	FY 2006 BUDGET	FY 2007 BUDGET	FY 2008 PROPOSED
NON-PERSONNEL			
Equipment Outlay	\$ 81,918	\$ 81,918	\$ 81,918
SUBTOTAL NON-PERSONNEL	\$ 1,395,820	\$ 1,384,745	\$ 1,586,994
TOTAL	\$ 34,182,145	\$ 36,205,158	\$ 36,301,552

Revenues by Category

	FY 2006 BUDGET	FY 2007 BUDGET	FY 2008 PROPOSED
GENERAL FUND			
Licenses and Permits	\$ 2,000	\$ 2,000	\$ 2,000
Fines, Forfeitures, and Penalties	\$ 1,650,000	\$ 1,650,000	\$ 1,650,000
Charges for Current Services	\$ 6,362,550	\$ 6,362,550	\$ 4,511,262
TOTAL	\$ 8,014,550	\$ 8,014,550	\$ 6,163,262

Salary Schedule

GENERAL FUND

City Attorney

<i>Class</i>	<i>Position Title</i>	<i>FY 2007 Positions</i>	<i>FY 2008 Positions</i>	<i>Salary</i>	<i>Total</i>
1104	Account Clerk	1.00	1.00	\$ 37,878	\$ 37,878
1105	Administrative Aide I	2.00	2.00	\$ 43,820	\$ 87,640
1106	Sr Management Analyst	1.00	1.00	\$ 70,802	\$ 70,802
1132	Asst Management Analyst	1.00	1.00	\$ 53,981	\$ 53,981
1147	Principal Legal Assistant	1.00	1.00	\$ 76,200	\$ 76,200
1218	Assoc Management Analyst	2.00	2.00	\$ 64,539	\$ 129,078
1236	Auto Messenger	2.00	2.00	\$ 31,137	\$ 62,274
1237	Payroll Specialist I	1.00	0.00	\$ -	\$ -
1348	Info Systems Analyst II	2.00	2.00	\$ 64,621	\$ 129,242
1349	Info Systems Analyst III	1.00	1.00	\$ 71,601	\$ 71,601
1386	Court Support Clerk I	11.00	13.00	\$ 38,051	\$ 494,663
1388	Court Support Clerk II	10.00	12.00	\$ 39,740	\$ 476,884
1401	Info Systems Technician	1.00	1.00	\$ 50,993	\$ 50,993
1402	Document Input Clerk-Terminal	1.00	0.00	\$ -	\$ -
1404	Principal Legal Secretary	1.00	1.00	\$ 60,743	\$ 60,743
1415	Dispute Resolution Officer	1.00	1.00	\$ 65,036	\$ 65,036
1535	Clerical Assistant II	28.50	27.50	\$ 35,402	\$ 973,546
1577	Legal Secretary	36.20	36.20	\$ 51,275	\$ 1,856,160
1596	City Attorney Investigator	20.92	20.92	\$ 68,543	\$ 1,433,925
1598	Legal Assistant	20.37	20.37	\$ 61,585	\$ 1,254,479

Salary Schedule

GENERAL FUND

City Attorney

<i>Class</i>	<i>Position Title</i>	<i>FY 2007 Positions</i>	<i>FY 2008 Positions</i>	<i>Salary</i>	<i>Total</i>
1615	Org Effectiveness Supv	1.00	1.00	\$ 80,404	\$ 80,404
1648	Payroll Specialist II	1.00	2.00	\$ 41,507	\$ 83,014
1726	Principal Clerk	1.00	1.00	\$ 52,855	\$ 52,855
1728	Principal Atty Investigator	1.00	1.00	\$ 79,247	\$ 79,247
1746	Word Processing Operator	8.00	8.00	\$ 37,845	\$ 302,757
1776	Public Information Clerk	1.00	1.00	\$ 37,688	\$ 37,688
1820	Sr Legal Secretary	8.00	6.00	\$ 57,459	\$ 344,754
1822	Sr Legal Assistant	5.00	5.00	\$ 69,333	\$ 346,665
1867	Librarian III	1.00	1.00	\$ 66,603	\$ 66,603
1879	Sr Clerk/Typist	8.00	8.00	\$ 43,313	\$ 346,504
1885	Sr Attorney Investigator	6.00	6.00	\$ 76,634	\$ 459,804
1983	Victim Services Coordinator	4.00	4.00	\$ 43,949	\$ 175,796
2001	City Attorney	1.00	1.00	\$ 193,648	\$ 193,648
2103	Management Intern	0.37	0.37	\$ 25,911	\$ 9,587
2106	Asst City Attorney	6.00	6.00	\$ 155,431	\$ 932,584
2151	Deputy City Attorney	131.86	131.86	\$ 88,559	\$ 11,677,335
2166	Legal Intern	1.00	1.00	\$ 37,502	\$ 37,502
2182	Principal Asst to City Atty	1.00	1.00	\$ 109,994	\$ 109,994
2185	Senior Legal Intern	1.00	1.00	\$ 55,432	\$ 55,432
2205	Conf Secretary To City Atty	1.00	1.00	\$ 89,440	\$ 89,440
2214	Deputy Director	1.00	1.00	\$ 150,010	\$ 150,010
2270	Program Manager	1.00	1.00	\$ 104,000	\$ 104,000
	Vacancy Factor Adjustment	0.00	0.00	\$ -	\$ (694,546)
	Industrial Leave	0.00	0.00	\$ -	\$ 1,322
	Overtime Budgeted	0.00	0.00	\$ -	\$ 13,064
	Temporary Help	0.00	0.00	\$ -	\$ 21,908
	Total	335.22	335.22	\$	22,462,496
CITY ATTORNEY TOTAL		335.22	335.22	\$	22,462,496

